

FILED

UNITED STATES COURT OF APPEALS

FEB 22 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM RICHARD BAILEY,

Defendant - Appellant.

No. 15-50472

D.C. No. 3:13-cr-03046-CAB
Southern District of California,
San Diego

ORDER

Before: GRABER, RAWLINSON, and FRIEDLAND, Circuit Judges.

We have reviewed appellant's response to the court's November 4, 2015 order to show cause, and we conclude that we lack jurisdiction over this interlocutory appeal. *See* 28 U.S.C. § 1291; *Midland Asphalt Corp. v. United States*, 489 U.S. 794, 798 (1989) (stating that finality requirement generally "prohibits appellate review until after conviction and imposition of sentence").

Additionally, appellant's response to the court's November 4, 2015 order to show cause requests that the court construe this appeal as a petition for writ of mandamus. Appellant has not demonstrated that effective post-conviction review of the ruling that appellant challenges is unattainable. *See Bauman v. U.S. Dist.*

Court, 557 F.2d 650, 654-55 (9th Cir. 1977). Therefore, to the extent this court construes this appeal as a mandamus petition, the petition is denied.

Accordingly, this appeal is dismissed in part and denied in part.

Appellant's December 23, 2015 request to defer the ordering of transcripts is denied as moot.

DISMISSED in part; DENIED in part.